

REMARKS

This is a full and timely response to the non-final Office Action of July 19, 2004.

Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this First Response, claims 20-22, 25-27, and 29-36 are pending in this application. Claims 20 and 25 are directly amended herein, and claims 30-36 are newly added. It is believed that the foregoing amendments add no new matter to the present application.

Response to Claim Rejections

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

Claim 20

Claim 20 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ishibashi* (U.S. Patent No. 6,558,050 B1). Claim 20, as amended, reads as follows:

20. A system, comprising:
a camera;
a plurality of sensors, each of said sensors configured to detect a different physiological response of a user; and
a controller configured to trigger said camera to capture an image in response to detections of simultaneous different physiological responses by said sensors. (Emphasis added).

Applicant respectfully asserts that *Ishibashi* fails to disclose at least the features of claim 20 highlighted hereinabove. Thus, the 35 U.S.C. §102 rejection of claim 20, as amended, is improper.

In this regard, *Ishibashi* appears to disclose a human body-mounted camera that operates in either a high power consumption mode or a low power consumption mode. In the low power consumption mode, the camera may be in a non-shooting state, and the camera apparently begins to capture images when it transitions to the high power consumption mode. See column 5, lines 23-25, and column 6, lines 6-10.

Further, *Ishibashi* discloses that the transition from the low power consumption mode to the high power consumption mode may occur in response to a detection of a physiological response by a sensor. However, it appears that such a transition occurs in response to a detection of a single physiological response by a single sensor. In particular, Figure 4 clearly shows that the camera transitions to the high power consumption mode setting #60 in response to a “yes” determination in any one of the decision blocks #10, #15, #20, #25, #30, #35, #40, #45, #50, or #55. Thus, the camera responds to only one detection of a physiological response to initiate a transition to the high power consumption mode. Accordingly, even if it is assumed *arguendo* that a transition to the high power consumption mode causes the camera of *Ishibashi* to capture an image, as is apparently alleged in the Office Action, Applicant asserts that *Ishibashi* fails to disclose “a controller configured to trigger said camera to capture an image *in response to detections of simultaneous different physiological responses by said sensors*,” as described by claim 20. (Emphasis added).

For at least the above reasons, Applicant asserts that *Ishibashi* fails to disclose each feature of claim 20, and the 35 U.S.C. §102 rejection of claim 20 should, therefore, be withdrawn.

Claims 21, 22, 30, and 31

Claims 21 and 22 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Ishibashi*. Further, claims 30 and 31 have been newly added via the amendments set forth herein. Applicant submits that the pending dependent claims 21, 22, 30, and 31 contain all features of their respective independent claim 20. Since claim 20 should be allowed, as argued hereinabove, pending dependent claims 21, 22, 30, and 31 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 25

Claim 25 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ishibashi*. Claim 25, as amended, reads as follows:

25. A method, comprising:
providing a camera;
detecting, via a plurality of sensors, different physiological responses of a user of said camera within a given time period; and
automatically triggering said camera to capture an image in response to each of said detected physiological responses occurring in said time period. (Emphasis added).

For at least the reasons set forth above in the arguments for allowance of claim 20, Applicant asserts that *Ishibashi* fails to disclose at least the features of claim 25 highlighted hereinabove. Accordingly, the 35 U.S.C. §102 rejection of claim 25 should be withdrawn.

Claims 26, 27, 29, 32, and 33

Claims 26 and 27 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Ishibashi*, and claim 29 presently stands rejected in the Office Action under 35 U.S.C. §103 as allegedly being unpatentable over *Ishibashi* in view of

Gevins (U.S. Patent No. 5,447,166). Further, claims 32 and 33 have been newly added via the amendments set forth herein. Applicant submits that the pending dependent claims 26, 27, 29, 32, and 33 contain all features of their respective independent claim 25. Since claim 25 should be allowed, as argued hereinabove, pending dependent claims 26, 27, 29, 32, and 33 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 34

Claim 34 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ishibashi*. Claim 34 presently reads as follows:

34. A system, comprising:
a camera;
a plurality of sensors, each of said sensors configured to detect a different physiological response of a user; and
a controller configured to trigger said camera to capture an image in response to a determination by said controller that each of said plural sensors simultaneously indicates that an excitement level of said user has increased.

Applicant asserts that the cited art fails to disclose or suggest each of the above features of claim 34. Accordingly, Applicant respectfully submits that claim 34 is allowable.

Claims 35 and 36

Claims 35 and 36 have been newly added via the amendments set forth herein. Applicant submits that the pending dependent claims 35 and 36 contain all features of their respective independent claim 34. Since claim 34 should be allowed, as argued hereinabove, pending dependent claims 35 and 36 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).



CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted ,

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